

Senate Study Bill 1021

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
BUSINESS AND LABOR RELATIONS
BILL BY CHAIRPERSON SCHUERER)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to workers' compensation.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
3 TLSB 1491SC 80
4 av/pj/5

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1 1 Section 1. Section 85.27, subsection 3, Code 2003, is
1 2 amended to read as follows:
1 3 3. Notwithstanding section 85.26, subsection 4, charges
1 4 believed to be excessive or unnecessary may be referred by the
1 5 employer, insurance carrier, or health service provider to the
1 6 workers' compensation commissioner for determination, and the
1 7 commissioner may utilize the procedures provided in sections
1 8 86.38 and 86.39, or set by rule, and conduct such inquiry as
1 9 the commissioner deems necessary. Any health service provider
1 10 charges not in dispute shall be paid directly to the health
1 11 service provider prior to utilization of procedures provided
1 12 in sections 86.38 and 86.39 or set by rule. A health service
1 13 provider rendering treatment to an employee whose injury is
1 14 compensable under this section agrees to be bound by such
1 15 charges as allowed by the workers' compensation commissioner
1 16 and shall not recover in law or equity any amount in excess of
1 17 charges set by the commissioner. When a dispute under chapter
1 18 85, 85A, or 85B regarding reasonableness of a fee for medical
1 19 services arises between a health service provider and an
1 20 employer or insurance carrier, the health service provider,
1 21 employer, or insurance carrier shall not seek payment from the
1 22 injured employee, employer, or its workers' compensation
1 23 insurance carrier prior to a determination of the
1 24 reasonableness of the charges under this subsection.
1 25 Sec. 2. Section 85.27, subsection 7, Code 2003, is amended
1 26 to read as follows:
1 27 7. If, after the third day of incapacity to work following
1 28 the date of sustaining a compensable injury which does not
1 29 result in permanent partial disability, or if, at any time
1 30 after sustaining a compensable injury which results in
1 31 permanent partial disability, an employee, who is not
1 32 receiving weekly benefits under section 85.33 or section
1 33 85.34, subsection 1, returns to work and is required to leave
1 34 work for one full day or less to receive services pursuant to
1 35 this section, the employee shall be paid an amount equivalent
2 1 to the wages lost at the employee's regular rate of pay for
2 2 the time the employee is required to leave work. For the
2 3 purposes of this subsection only, "day of incapacity to work"
2 4 means eight hours of accumulated absence from work due to
2 5 incapacity to work or due to the receipt of services pursuant
2 6 to this section. The employer shall make the payments under
2 7 this subsection as wages to the employee after making such
2 8 deductions from the amount as legally required or customarily
2 9 made by the employer from wages. Payments made under this
2 10 subsection shall be required to be reimbursed pursuant to any
2 11 insurance policy covering workers' compensation. Payments
2 12 under this subsection shall not be construed to be payment of
2 13 weekly benefits.
2 14 Sec. 3. Section 85.38, subsection 2, unnumbered paragraph
2 15 2, Code 2003, is amended to read as follows:
2 16 If an employer denies liability under this chapter, chapter
2 17 85A, or chapter 85B, for payment for any medical services
2 18 ~~received or weekly compensation requested by an employee with~~
2 19 ~~a disability, and the employee is a beneficiary under either~~
2 20 ~~an individual or group plan for nonoccupational illness,~~
2 21 ~~injury, or disability, the nonoccupational plan shall not deny~~
2 22 ~~payment for the medical services received of benefits under~~
2 23 ~~the plan~~ on the basis that the employer's liability ~~for the~~

2 24 medical services under this chapter, chapter 85A, or chapter
2 25 85B is unresolved.

2 26 Sec. 4. Section 86.42, Code 2003, is amended to read as
2 27 follows:

2 28 86.42 JUDGMENT BY DISTRICT COURT ON AWARD.

2 29 Any party in interest may present a ~~certified~~ copy of an
2 30 order or decision of the commissioner, from which a timely
2 31 petition for judicial review has not been filed or if judicial
2 32 review has been filed, which has not had execution or
2 33 enforcement stayed as provided in section 17A.19, subsection
2 34 5, or an order or decision of a deputy commissioner from which
2 35 a timely appeal has not been taken within the agency and which
3 1 has become final by the passage of time as provided by rule
3 2 and section 17A.15, or an agreement for settlement approved by
3 3 the commissioner, and all papers in connection therewith, to
3 4 the district court where judicial review of the agency action
3 5 may be commenced. The court shall render a decree or judgment
3 6 and cause the clerk to notify the parties. The decree or
3 7 judgment, in the absence of a petition for judicial review or
3 8 if judicial review has been commenced, in the absence of a
3 9 stay of execution or enforcement of the decision or order of
3 10 the workers' compensation commissioner, or in the absence of
3 11 an act of any party which prevents a decision of a deputy
3 12 workers' compensation commissioner from becoming final, has
3 13 the same effect and in all proceedings in relation thereto is
3 14 the same as though rendered in a suit duly heard and
3 15 determined by the court.

3 16 Sec. 5. Section 86.43, Code 2003, is amended to read as
3 17 follows:

3 18 86.43 JUDGMENT == MODIFICATION OF.

3 19 Upon the presentation to the court of a ~~certified~~ copy of a
3 20 decision of the workers' compensation commissioner, ending,
3 21 diminishing, or increasing the compensation under the
3 22 provisions of this chapter, the court shall revoke or modify
3 23 the decree or judgment to conform to such decision.

3 24 EXPLANATION

3 25 This bill amends several provisions relating to workers'
3 26 compensation law in Iowa. Code section 85.27, subsection 3,
3 27 is amended to provide that when there is a dispute as to the
3 28 reasonableness of a fee for medical services between a health
3 29 service provider and an employer or the employer's insurance
3 30 carrier, the employer or its workers' compensation insurance
3 31 carrier as well as the employee cannot be asked for payment of
3 32 the fee for medical services until a determination of the
3 33 reasonableness of the fee has been made by the workers'
3 34 compensation commissioner.

3 35 Code section 85.27, subsection 7, is amended to provide
4 1 that for the purposes of this subsection only, a "day of
4 2 incapacity to work" means eight hours of accumulated absence
4 3 from work due to incapacity to work or due to the employee's
4 4 receipt of medical services pursuant to Code section 85.27.

4 5 Code section 85.38, subsection 2, is amended to provide
4 6 that weekly wage replacement benefits for an injured worker
4 7 will be treated the same as medical benefits so that if an
4 8 employee has both group disability and workers' compensation
4 9 coverage, the group disability carrier will pay benefits to
4 10 the injured employee until the workers' compensation liability
4 11 is resolved without prejudicing the rights of either the
4 12 employer or the employee.

4 13 Code sections 86.42 and 86.43 are amended to provide that a
4 14 party may present a copy instead of a certified copy of an
4 15 order or decision of the workers' compensation commissioner to
4 16 the district court to obtain a judgment on an award of
4 17 workers' compensation benefits.

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